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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,824

06/23/2005

Jean-Yves Le Naour

PF030002

8887

24498

7590

09/14/2006

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EXAMINER

LE, DINH THANH

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,824	<b>Applicant(s)</b> LE NAOUR ET AL.	
	<b>Examiner</b> DINH T. LE	<b>Art Unit</b> 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2816

## **DETAILED ACTION**

### ***Specification***

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The specification is objected to because it does not contain the headings, i.e., "Summary of the Invention". Correction is required.

### ***Claim Rejections***

#### ***Claim Rejections - 35 USC § 112***

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 1, the recitation "the spectrum" on line 7 lacks clear antecedent basis. The same is true for reciting "the locking loop" on line 4 of claim 4.

In claim 4, it is unclear what the "locking loop" is.

In claim 5, it is not understood how the filtering" can be "carried out" on lines 3 and 9 and what the "asymmetrical filter" is.

The remaining claims are dependents from the above claims and therefore also considered indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 USC 102 (e) as being anticipated by Van Der Woude et al (US2002/0044021, S/N=09/862,283).

Woude et al discloses in Figure 1 a circuit comprising:

- a first band pass filter (1);
- a second bandpass filter (2); and
- a mixer (3) coupled between the filters (1, 2) and the oscillator (4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5-6 are rejected under 35 USC 103 (a) as being unpatentable over Woude et al (US2002/0044021, S/N=09/862,283).

Woulde et al discloses in Figure 1 a circuit comprising all of the limitations of the claimed invention as stated above but does not disclose that the filters are the quartz filters or asymmetrical filter as recited in claim 5. However, as well known in the art, the filter circuit comprises different types, i.e., microstrip filters (quartz filters), SAW filters, waveguide filters, coaxial filter or lump element filters. Each filter is selected based on the operational frequency range, stability or desired operating bandwidth. Thus, selecting the quartz filters or the asymmetrical filter for the circuit of Woulde et al is considered to be a matter of a design expedient for an engineer depending upon the particular application in which the circuit of Woulde et al is to be used. It would have been obvious to a person having skill in the art at the time the invention was made to select the filters as claimed in the circuit of Woulde et al for the purpose of accommodating with the operating frequency and the bandwidth of a predetermined system.

Claim 4 is rejected under 35 USC 103 (a) as being unpatentable over Scherer et al (US 6,844,939) in view of Woulde et al (US2002/0044021, S/N=09/862,283).

Scherer et al discloses in Figure 2 a circuit comprising a local oscillator loop (32, 42) but does not disclose s filters circuit as recited in claim 1.

Nevertheless, Woulde et al suggests in Figure 1 a filter circuit comprising all of the limitations as recited in claim 1 for varying the central frequency of an output signal in a narrow band, see column 1 of page 1.

It would have been obvious to a person having skill in the art at the time the invention

was made to employ the filter circuit of Woude et al in the circuit of Scherer et al for the purpose of varying the central frequency of the local oscillator in a narrow band.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINH T. LE whose telephone number is (571) 272-1745. The examiner can normally be reached on Monday-Friday (8AM-7PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY CALLAHAN can be reached at (571) 272-1740.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DINH T. LE  
PRIMARY EXAMINER

8/29/06